

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PRINCE UNIVERSAL MICHAEL ALSO
KNOWN AS MARIO A. THOMPSON,

Plaintiff,

-against-

DONALD J. TRUMP, ET AL.,

Defendants.

20-CV-8052 (CM)

ORDER OF DISMISSAL

COLLEEN MCMAHON, Chief United States District Judge:

Plaintiff Prince Universal Michael brings this action alleging that Defendants violated his rights. By order dated October 15, 2020, the Court granted Plaintiff's request to proceed without prepayment of fees, that is, *in forma pauperis* (IFP). For the reasons set forth below, the Court dismisses the complaint.

STANDARD OF REVIEW

The Court must dismiss an IFP complaint, or portion thereof, that is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2)(B); *see Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998). The Court must also dismiss a complaint when the Court lacks subject matter jurisdiction. *See* Fed. R. Civ. P. 12(h)(3). While the law mandates dismissal on any of these grounds, the Court is obliged to construe *pro se* pleadings liberally, *Harris v. Mills*, 572 F.3d 66, 72 (2d Cir. 2009), and interpret them to raise the “strongest [claims] that they suggest,” *Triestman v. Fed. Bureau of Prisons*, 470 F.3d 471, 474 (2d Cir. 2006) (internal quotation marks and citations omitted) (emphasis in original).

A claim is frivolous when it “lacks an arguable basis either in law or in fact.” *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), *abrogated on other grounds by Bell Atl. Corp. v. Twombly*,

550 U.S. 544 (2007); *see also Denton v. Hernandez*, 504 U.S. 25, 33 (1992) (holding that “a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible”); *Livingston*, 141 F.3d at 437 (“[A]n action is ‘frivolous’ when either: (1) the factual contentions are clearly baseless . . . ; or (2) the claim is based on an indisputably meritless legal theory.”) (internal quotation marks and citation omitted).

BACKGROUND

Plaintiff brings this 337-page, typed complaint, naming as Defendants President Donald J. Trump, and thousands of other Defendants including former President Barak Obama, the estates for former Presidents Lyndon B. Johnson, Robert F. Kennedy, Richard M. Nixon, and James E. Carter. Plaintiff also names actors and actresses, including the estates of Lucille Ball, Desi Arnaz, and John Wayne. He also names as Defendants numerous musical artists, sports players, and their family members.

Plaintiff describes himself as

bestowed from the creator of the heavens and universe owner of the moon in proximity to the planet Earth, amongst all other moons and planetary diversities of Neptune, Kepler, Gliese and Wasp. In furtherance to be recognized surnamed by the creator of the Holy Bible as Prince Universal Michael, from within the Book of Daniel 12:1 (KJV).

(ECF No. 2 at 1.) He brings this complaint as a

demand for sanctions, injunctive reliefs, disgorgements because of the defendants perpetrating of amongst other motifs high crimes and multifarious offences inclusively of murder, attempted murder, human experimentation, medical malpractices, endangerment of a child, antitrust, civil rights, espionages, conspiracies, trade secret, defamation of character, copyright infringements, libelous slander per se.

(*Id.* at 1.)¹

¹ Plaintiff repeats this language on the bottom of every page of the complaint.

Plaintiff alleges that,

Among other injuries caused by the defendants, Plaintiff was brain injured, attempted to be murdered upon numerous, inside of the conspiracies utilized by the defendants, So as not to be cognizant of their realty of properties. Plaintiff's bestowment commenced at the age of 1 yrs. old forward so as plaintiff wasn't to be with any crime, sin, transgression by the detriment of mankind, human beings, celestials and plant Earth's living situations. Throughout this course of events there were problematic conspiracies asserted towards plaintiff sovereignty, with existence of high crimes and multifarious offences and as to date. Brought about by, aspects of certain U.S. presidents and their administrations, inclusively of intervention from the governances of the People's Republic of China, India, Norwegian, Japan, Israel amongst other defendants stated below.

(*Id.* at 76.)

DISCUSSION

Even when read with the "special solicitude" due *pro se* pleadings, *Triestman*, 470 F.3d at 474-75, Plaintiff's claims rise to the level of the irrational, and there is no legal theory on which he can rely. *See Denton*, 504 U.S. at 33; *Livingston*, 141 F.3d at 437. The Court therefore dismisses this action as frivolous. 28 U.S.C. § 1915(e)(2)(B)(i).

District courts generally grant a *pro se* plaintiff an opportunity to amend a complaint to cure its defects but leave to amend is not required where it would be futile. *See Hill v. Curcione*, 657 F.3d 116, 123-24 (2d Cir. 2011); *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988). Because the defects in Plaintiff's complaint cannot be cured with an amendment, the Court declines to grant Plaintiff leave to amend.

CONCLUSION

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

Plaintiff's complaint is dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i).

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: October 15, 2020
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge